REMARKS

Applicant has studied the Office Communication dated October 9, 2003, and has made amendments to the specification, claims, title and drawings. Claims 1-4 and 11-13 have been canceled without prejudice; claims 5-10, 14 and 15 have been amended; and new claims 16-27 have been added. It is submitted that the application, as amended, is in condition for allowance. Reconsideration and reexamination are respectfully requested

In response to the Examiner's objections, a certified English translation of the Korean patent application is submitted herewith under 37 C.F.R. 1.55, as indicated under item 2 of the Office Action. Also, Applicant has amended Figure 3 as requested by the Examiner under item 3 of the Office Action. Furthermore, Applicant has amended Figs. 5 and 6 to correct typographical errors. Finally, the specification has been amended to correct typographical errors and to overcome the Examiner's objections, as indicated under item 4 of the Office Action.

Claim objections

Claim 4, which has been cancelled, was objected to for various informalities. Therefore, the Examiner's claim objection, as indicated under item 5 of the Office Action, is now moot.

Claims 14 and 15 have been rewritten in independent form including all of the limitations of the base claims and any intervening claims to overcome the Examiner's claim objections, as indicated under item 6 of the Office Action. Accordingly, claims 14 and 15, as amended, are believed to be in condition for allowance.

Claim Rejections - 35 U.S.C. § 102

Claims 1, 5 and 8 have been rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,867,494, issued to Krishnaswamy, et al. (hereinafter referred to as "the Krishnaswamy reference"). The Krishnaswamy reference teaches routing telephone calls through a switched network, which includes transfer of information across the Internet.

The Examiner asserts that the Krishnaswamy reference discloses an Internet telephony gateway (Col. 15, lines 51-55) for accessing a call between a terminal unit for a public switched telephone network (PSTN) and a terminal unit for an Internet protocol network (IPN). The Examiner also asserts that the Krishnaswamy reference discloses monitoring the PSTN and the IPN (Col. 29, lines 11-12, Fig. 22), generating an alarm when a call failure occurs, and

disconnecting a call, which inherently must use a program flow to terminate the call between the PSTN and the IPN.

Applicant respectfully submits that the claimed invention is patentably different from the setup of the Krishnaswamy reference. Specifically, there is absolutely no teaching, suggestion or inference of any kind, explicit or implicit, in the Krishnaswamy reference in regards to blocking a channel between the Internet telephony gateway and the PSTN, and terminating the call with the terminal unit for the IP network, as recited in amended claims 5.

Applicant further submits that the Krishnaswamy reference fails to teach, suggest or infer in any way blocking a channel between the Internet telephony gateway and the IP network, and terminating a call with the terminal unit for the PSTN, as recited in amended claim 8.

Claim 1 has been cancelled, thereby rendering the Examiner's claim rejection thereto moot.

Claims 11 and 12 have been rejected under 35 U.S.C. § 102(b) as being anticipated by the Krishnaswamy reference. Claims 11 and 12 have been cancelled, thereby rendering the Examiner's claim rejection thereto moot.

Applicant respectfully submits that for a reference, such as the Krishnaswamy reference, to function under 35 U.S.C. § 102(b), the reference must, within the four corners of that document, disclose each and every element which is set forth in the claim against which it is applied. Furthermore, every element of the claimed invention, as recited in the claims, must be disclosed either specifically or inherently by a single prior art reference. See *Minnesota Mining & Mfg. Co. v. Johnson & Johnson Orthopaedics, Inc.*, 976 F.2d 1559, 1565 (Fed.Cir.1992); *Scripps*, 927 F.2d at 1576-77; *Lindemann Maschinenfabrik GMBH, v. American Hoist & Derrick Co.*, 730 F.2d 1452, 1458 (Fed.Cir.1984). Since the Krishnawamy et al reference does not anticipate in any way Applicant's claimed structure and method, Applicant respectfully requests withdrawal of the § 102(b) claim rejections.

Claim Rejections - 35 U.S.C. § 103

Claim 4 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over the Krishnaswamy reference. Claim 4 has been cancelled, rendering the Examiner's claim rejections thereto moot.

Claims 2, 3, 6, 7, 9 and 10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Krishnaswamy reference in view of U.S. Patent No. 5,761,312, issued to Zelikovitz (hereinafter referred to as "the Zelikovitz reference"). The Zelikovitz reference discloses, in connection with an intelligent communication platform, a method of informing the user of a telephone line failure, Col. 7, lines 12-20, that includes an alarm message, ref. num. 218, Figure 6. The Examiner asserts that it would have been obvious for one of ordinary skill in the art at the time of the invention, when presented with the work of the Zelikovitz reference, to apply the alarm message of the Zelikovitz reference to the system of the Krishnaswamy reference, with the motivation being to better inform the user of the system of a failure and give a reason for the termination of the connection.

Claims 2 and 3 have been cancelled, thereby rendering the Examiner's claim rejections thereto moot.

Applicant respectfully submits that amended claims 6, 7, 9 and 10 recite providing a sound for informing a respective terminal unit of a call termination with the sound including a termination message, a tone, and an announcement. However, there is no teaching, suggestion or motivation of any kind, explicit or implicit, in the Zelikovitz or Krishnaswamy references, taken singly or in combination, in regard to adapting the structure of the Zelikovitz and/or Krishnaswamy references to include blocking a channel between the Internet telephony gateway and the PST, and terminating the call with the terminal unit for the IP network, as well as blocking a channel between the Internet telephony gateway and the IP network, and terminating the call with the terminal unit for the PSTN, as recited in amended claims 6, 7, 9 and 10, respectively.

Applicant further submits that combining the Zelikovitz reference with the Krishnaswamy reference in the manner proposed by the Examiner to produce Applicant's invention is not expressly suggested or implied by the references as a whole and would not have been obvious to one of ordinary skill in the art at the time the invention was made. On the contrary, it appears that the Examiner is using Applicant's disclosure in hindsight as an instruction manual to propose various modifications and subsequent combinations of modified structures in an attempt to produce Applicant's invention.

Therefore, it is respectfully submitted that amended claims 6, 7, 9 and 10 recite patentable subject matter clearly distinguishable from the Krishnaswamy reference in view of the Zelikovitz reference.

Claim 13 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over the Krishnaswamy reference in view of U.S. Patent No. 4,792,941, issued to Yanosy, et al. (hereinafter referred to as "the Yanosy reference"). Claim 13 has been cancelled, thereby rendering the Examiner's claim rejections thereto moot.

The fact that the Examiner was able to find three isolated references that allegedly may be combined in such a way as to produce Applicant's invention does not necessarily render such production obvious unless the prior art of record contains something to suggest making the proposed combination. "To properly combine references, there must have been some teaching, suggestion, or inference in the references, or knowledge generally available to one of ordinary skill in the art, that would have led one to combine the relevant teachings." *Ashland Oil, Inc. v. Delta Resins & Refracs., Inc.*, 776 F.2d 281, 227 USPQ 657 (Fed. Cir. 1985). "The hypothetical person skilled in the art is not the judge, nor a layperson, nor one skilled in remote arts, nor a genius in the art at hand...", *Environmental Designs, Ltd. v. Union Oil Co.*, 713 F.2d 693, 218 USPQ 865 (Fed. Cir. 1983). The hypothetical person skilled in the art at the time the invention was made is also not the inventor - "the invention is not to be evaluated through the eyes of the actual inventor", *Interconnect Planning Corp. v. Feil*, 774 F.2d 1132, 227 USPQ 543 (Fed. Cir. 1985). Also, "one cannot use hindsight construction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention," *In re Fine*, 5 USPQ 2d 596 (Fed. Cir. 1988).

In view of the foregoing amendments and remarks, Applicant respectfully requests withdrawal of the § 103(a) claim rejections.

Conclusion

No amendment made was related to the statutory requirements of patentability unless expressly stated herein; and no amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California, telephone number (213) 623-2221 to discuss the steps necessary for placing the application in condition for allowance.

Respectfully submitted,
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FIG. 2

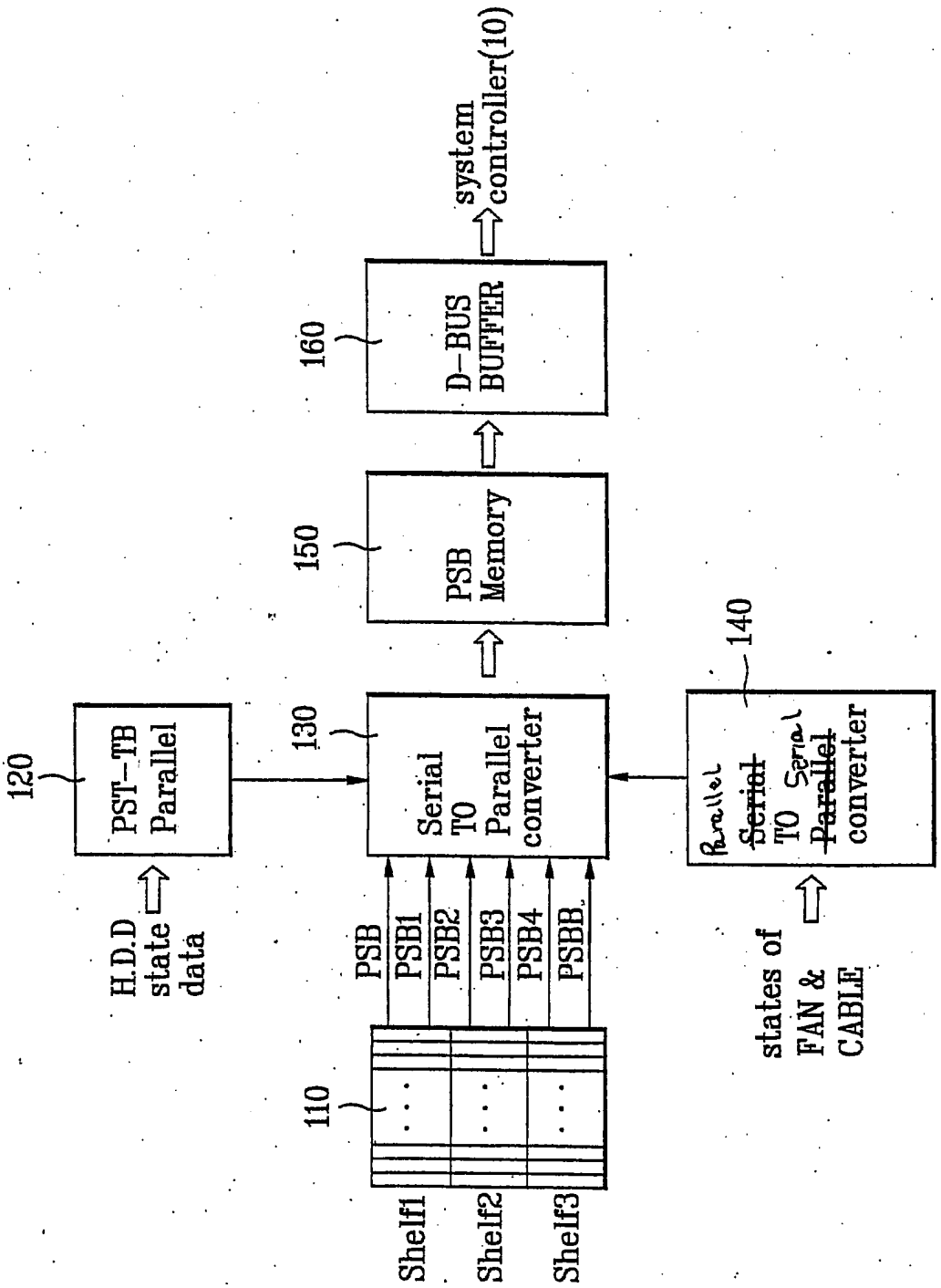

FIG. 5

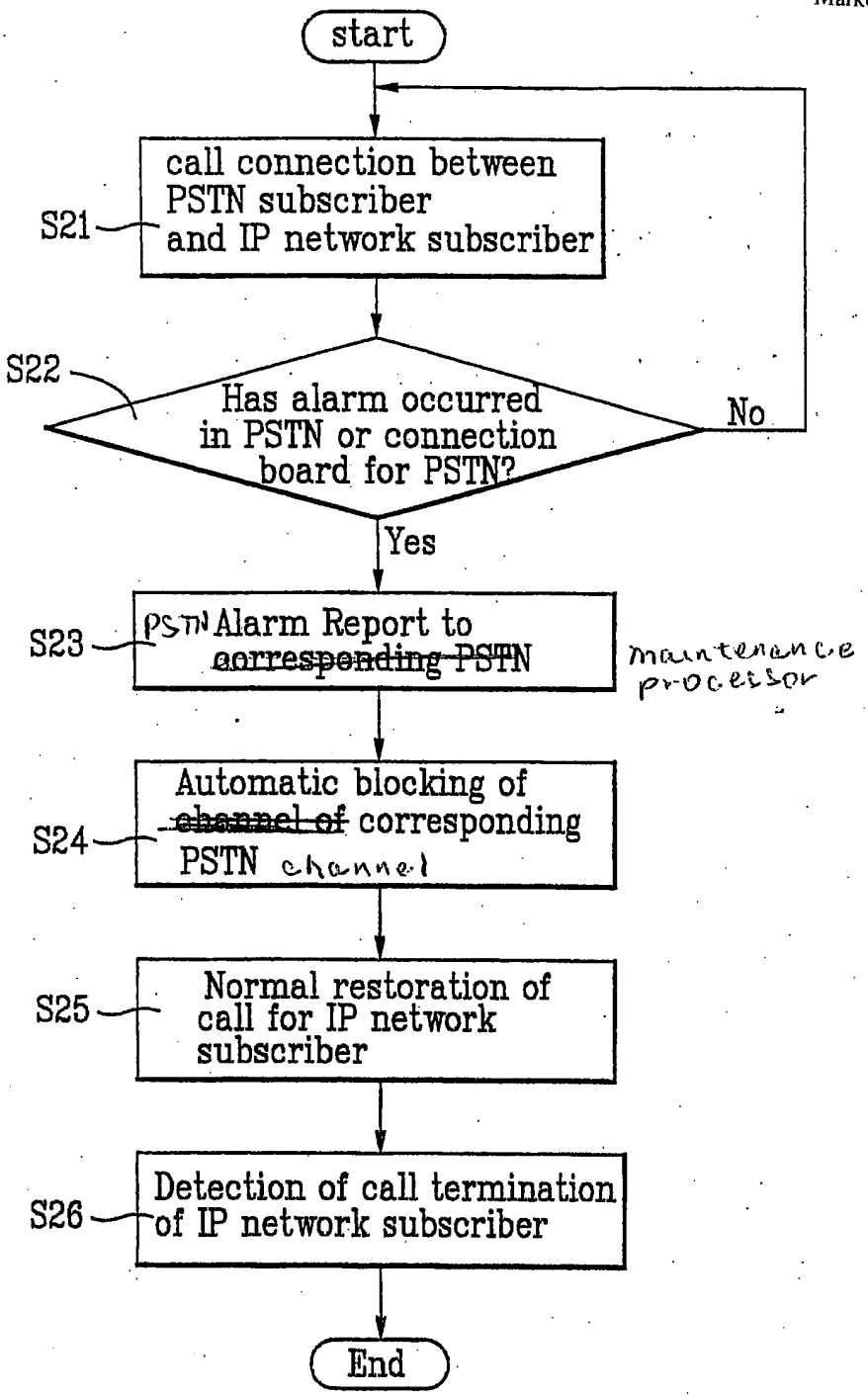

FIG. 6

Inventor: Sung Bum Cho
Title: Internet Telephony Gateway and Method for Operating Internet Telephony Gateway

Application Serial No. 09/898,825
Marked Up Substitute Drawing